

SENATE JOINT RESOLUTION 1033
By Herron

A RESOLUTION to create a special joint committee to study
covenants not-to-compete involving health care
occupations.

WHEREAS, the recent Tennessee Supreme Court case of Murfreesboro Medical Clinic v Udom raised significant questions concerning the use of covenants not-to-compete involving physicians and other health care professionals; and

WHEREAS, SB 3361/HB 3536 and SB 1748/HB 1285 of the 104th General Assembly attempted to address some of the issues raised by such covenants; and

WHEREAS, significant issues involving such covenants remain to be resolved; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FOURTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that there is hereby created a special joint study committee to issues relating to covenants not-to-compete involving physicians and other health care professionals.

BE IT FURTHER RESOLVED, that the committee shall consist of three (3) members of the House of Representatives and three (3) members of the Senate, to be appointed by the respective speakers.

BE IT FURTHER RESOLVED, that all appropriate state agencies shall provide assistance to the special joint committee upon request of the chair.

BE IT FURTHER RESOLVED, that all legislative members of the special joint committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, that the special joint committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a chair, vice-chair, and such other officers the committee deems necessary.

BE IT FURTHER RESOLVED, that the special joint committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Fifth General Assembly no later than January 15, 2007, at which time the committee shall cease to exist.